

1 1121(a) and 28 U.S.C. § 1331 and 1338(a) in that this case arises under the laws of
2 the United States pursuant to the Lanham Act, 15 U.S.C. §§1051 *et seq.*

3
4 2. This Court has supplemental jurisdiction over the claims herein arising
5 under the laws of the State of California pursuant to 28 U.S.C. §§1338(b) and form
6 part of the same case or controversy under Article III of the United States
7 Constitution.

8 3. Venue is properly asserted against DOES 1-10 (“Defendants”), in this
9 District under 28 U.S.C. § 1391(b) in that a substantial part of the events or
10 omissions giving rise to the claims herein arose in this District. Additionally, upon
11 information and belief, Defendants conduct business via the Internet in California,
12 and as such, maintain the requisite minimum contacts to be subject to the personal
13 jurisdiction in California under 28 U.S.C. §1391(c).

14 PARTIES

15 4. Smart Energy Today, Inc. is a Washington corporation, qualified to do
16 business in California and having its principal place of business at 1001 Cooper
17 Point Rd. AQ, Suite 140 #290, Olympia, Washington 98502 (“SET”). SET is now,
18 and for over three years, has been engaged in the business of selling energy
19 efficiency related products and services in interstate commerce, across multiple
20 states, including but not limited to, Washington, Oregon, California, Idaho and
21 Maryland; and has an Internet website located at www.smartenergytoday.net.

22 5. On information and belief, Defendants DOES 1-5, are the authors, editors
23 and/or publishers of the materials complained upon herein and conduct business on
24 the Internet with residents of the many states, including California.

25 6. On information and belief, Defendants DOES 6-10, are the competitor
26 business(es) that caused for the materials complained upon herein to be posted
27
28

1 online; and conduct business on the Internet with residents of many states,
2 including California.

3 INTRODUCTION

4 7. SET is a well-known supplier of products and services in the growing
5 “energy efficiency” industry. It specializes in helping homeowners and business
6 owners become more energy efficient with the ultimate goal of helping them to
7 save money on their utility bills, decrease consumption and increasing the comfort
8 of their home or business. Over the past few years, SET has built a strong
9 following and the name SMART ENERGY TODAY has acquired secondary
10 meaning as a designation of source or origin of the goods and services SET
11 provides under the name SMART ENERGY TODAY. Through extensive and
12 continuous use, SET has developed significant trademark rights in the phrase
13 SMART ENERGY TODAY and owns the federally registered trademark for
14 SMART ENERGY TODAY in International Class 037 with date of first use in
15 commerce as January 1, 2012 (Registered February 17, 2015, Reg. No. 86136014).
16 This registration identified is valid, subsisting and use has been continuous without
17 being abandoned, since its date of first use.

18 8. On information and belief, Defendants DOES 1-5 are agents of or acting
19 at the specific request of DOES 6-10, who run website(s) on the Internet and/or
20 business offline, that are direct competitors of SET in the same marketplace. In or
21 around the Summer of 2015, SET discovered that Defendants DOES 1-5 published
22 articles and made written statements on the Internet which would be considered
23 commercial advertising, on, *inter alia*, websites such as yelp.com and
24 angleslist.com and to government agencies, such as the Environmental Protection
25 Agency (collectively the “Offending Statements”).

26 9. On information and belief, the Offending Statements contain false and
27 disparaging statements of fact about the products and services provided by SET.
28

PRAYER FOR RELIEF

WHEREFORE, SMART ENERGY TODAY, INC. prays that judgment be entered against defendants, and each of them, jointly and severally, as follows:

A. For a permanent injunction ordering Defendants, their agents, servants, employees, attorneys, and all persons in active or passive concert or participation with Defendants to refrain from publishing the Offending Statements, and remove the Offending Statements to the extent they remain published on the Internet;

B. For lost profits and costs incurred by SET due to the Offending Statements;

C. For legal costs and fees incurred by SET to attain the relief requested herein; and

D. For such other and further relief as this Court deems just and proper.

DATED: October 30, 2015 FISHER LAW GROUP®

By 

Jason H. Fisher
Attorneys for plaintiff

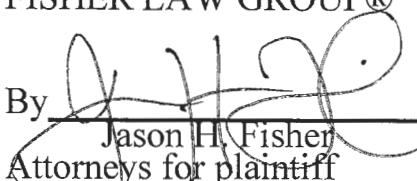
SMART ENERGY TODAY, INC.

DEMAND FOR JURY TRIAL

Pursuant to Fed.R.Civ.P. 38 and Local Rule 38-1, plaintiff demands a jury trial on all issues so triable.

DATED: October 30, 2015 FISHER LAW GROUP®

By


Jason H. Fisher
Attorneys for plaintiff
SMART ENERGY TODAY, INC.